

**sUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN DOE,)	
)	No. 08 C 1050
Plaintiff,)	
)	JUDGE JOAN B. GOTTSCHALL
v.)	
)	MAGISTRATE JUDGE
JASON FORTUNY,)	ARLANDER KEYS
)	
Defendant.)	DEMAND FOR JURY TRIAL

PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

NOW COMES the Plaintiff, JOHN DOE, by and through his attorneys, Mudd Law Offices, for his Motion for Leave to File Amended Complaint and states as follows:

1. Plaintiff moves this Court for leave to amend his Complaint and file his first Amended Complaint where the proposed Amended Complaint elaborates on allegations involving the Defendant and personal jurisdiction; elaborates on the private nature of the facts disclosed; clarifies certain issues relating to the allegations; expands the bases for intrusion upon seclusion; and includes other relevant changes.

2. In particular, the Defendant states in his letter (which has been appropriately construed as a Motion to Dismiss) that he did not re-post or post his Craigslist Experiment to Encyclopedia Dramatica. Although the Defendant did not submit this statement in the form of an affidavit, the Plaintiff takes the Defendant’s statement at face value and so amends the relevant allegations.

3. The Plaintiff also adds additional allegations related to personal jurisdiction, public disclosure of private facts, and intrusion upon seclusion. These allegations expand upon the grounds giving rise to specific personal jurisdiction; the private nature of the facts disclosed

by Defendant; and, the specific intrusions that occurred into Plaintiff's seclusion. The foregoing modifications represent all of the significant changes found in the Amended Complaint.

4. The new allegations and claims presented in the Plaintiff's proposed Amended Complaint merely expand upon those in his original Complaint.

5. No significant hardship or prejudice will be inflicted upon the Defendant if Plaintiff's Motion is granted. The Defendant filed a letter that appropriately has been construed as a Motion to Dismiss. Discovery has not yet begun. No trial date has been set. Any resulting hardship or prejudice is greatly outweighed by the interests of justice and judicial economy. Indeed, judicial economy dictates that Plaintiff be permitted to amend these claims at this time. For, assuming the Defendant files a subsequent motion to dismiss or renews the motion already filed, the amendments shall allow the Court to fully address the bases for exercising personal jurisdiction over the Defendant and for allowing the Plaintiff's claims to proceed.

6. The Plaintiff's proposed first Amended Complaint is attached hereto as Exhibit A.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully moves this Court to allow him to amend his Complaint and file his first Amended Complaint.

Dated: Chicago, Illinois
September 8, 2008

PLAINTIFF,
JOHN DOE

s/Charles Lee Mudd Jr.

By: One of His Attorneys
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CERTIFICATE OF SERVICE

I, Charles Lee Mudd Jr., do hereby certify that service of this Notice of Motion and the accompanying PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT was accomplished pursuant to Electronic Case Filing as to ECF Filing Users and shall be served upon all other parties listed in the attached Service List by sending said documents via postage pre-paid U.S. mail on this 8th day of September 2008.

s/Charles Lee Mudd, Jr.
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